

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**1. RACHEDE M. WILSON,**

**Plaintiff,**

**v.**

**1. WILBANKS METALS, INC., a foreign  
for profit business,**

**Defendant.**

**Case No. 17-cv-641-TCK-JFJ**

**State Court Case #CJ-2017-04222**

**NOTICE OF REMOVAL**

Defendant Willbanks Metals, Inc.,<sup>1</sup> (“Defendant”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby respectfully removes the above-styled action from the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

1. On October 25, 2017 Plaintiff Rachede Wilson (“Plaintiff”) commenced this action by filing his Petition, in the District Court of Tulsa County, Oklahoma, Case No. CJ-2017-04222, asserting claims against Defendant for alleged violations of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e and 42 U.S.C. § 1981. See Plaintiff’s Petition, attached as Exhibit 1.

2. Defendant was served with a copy of Plaintiff’s Petition and Summons, attached as Exhibit 2, October 30, 2017.

3. Defendant filed its Answer and Affirmative Defenses on November 20, 2017. Exhibit 3.

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<sup>1</sup> Defendant’s name is misspelled as “Wilbanks” in Plaintiff’s Petition.

4. Other than Plaintiff's Petition and Summons, and Defendant's Answer and Affirmative Defenses, no further process, pleadings, or motions have been filed in the case. In accordance with LCvR 81.2, a copy of the Tulsa County District Court docket sheet is attached as Exhibit 4.

5. "Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant...to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. §1441(a).

6. This Court has "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. §1331. Accordingly, insofar as Plaintiff asserts claims against Defendant under 42 U.S.C. § 2000e, *et seq.* and 42 U.S.C. § 1981(b) this action "aris[es] under the...laws...of the United States," and this Court has original jurisdiction of Plaintiff's claims under 28 U.S.C. § 1331.

7. In addition, venue, for purposes of removal only, is proper in this Court under 28 U.S.C. §1441(a) because the District Court of Tulsa County, Oklahoma, is located within the Northern District of Oklahoma.

8. Further, because Defendant was served with Plaintiff's Petition and Summons on October 30, 2017, this Notice of Removal is timely because it is being "filed within 30 days after the receipt by [D]efendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. §1446(b)(1).

9. Written notice of the filing of this Notice of Removal will be served on Plaintiff and filed with the Clerk of Court of the District Court of Tulsa County, Oklahoma.

10. Pursuant to Local Rule 81.2, Defendant's Status Report on Removed Action shall be filed contemporaneously with this Notice of Removal.

11. This Notice of Removal does not waive any objections to defects in process or service of process, jurisdiction, venue, statute of limitations, exhaustion of administrative remedies, or any other defense.

WHEREFORE, Defendant prays that the above-styled action now pending against them in the District Court of Tulsa County, Oklahoma, be removed to this Court.

Dated: November 29, 2017

Respectfully submitted,

*s/J. Patrick Cremin*

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J. Patrick Cremin, OBA #2013  
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**ATTORNEYS FOR DEFENDANT,  
WILLBANKS METALS, INC.**

**CERTIFICATE OF MAILING**

I, the undersigned, do hereby certify that on this 29<sup>TH</sup> day of November, 2017 I electronically transmitted the attached Notice of Removal to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the Following ECF registrants:

Daniel E. Smolen, Esq.  
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s/J. Patrick Cremin

J. Patrick Cremin